

## **July 12 informal virtual OEWG meeting – Comments from Canada on draft annual report**

Thank you Chair for report and convening this meeting.

Initial thoughts from Canada after first read of report:

**Draft report is a good starting point**, but we have **several concerns** that I will outline in my remarks.

Missing: **gender** – Canada and 20+ others mentioned this, ideas in our gender annex. Needs to be reflected in report.

**Stakeholders**: language could be reinforced, often mentioned in background but not in recommendations, even if they have a role. Stakeholders have a fundamental role to play in this OEWG and should be recognized as such.

### **Elements that we like:**

- good reaffirmation of acquis on p.1. Could be strengthened further.
- several mentions of Australia/Mexico Survey proposal that Canada supported, encouragement of states to complete it, which will be good for transparency.

### **Elements that we like less:**

- several recommendations to agree to common definitions of ICT terms, potential CI listing – this would be time consuming and challenging to reach agreement. The 2016-17 GGE considered doing the latter, but decided not to, for these reasons.

### Section by section comments

*Threats:*

**-few threats are listed.** Canada and several others had mentioned **ransomware** as a key one.

**Malicious cyber activities by Russia in Ukraine** another ongoing threat to peace and security.

On data security, the report mentions the need to take “measures and initiatives to strengthen data security.”

Not sure if **this is really a threat, at least not as worded?** Prefer to remove this.

This section needs to include some of the key threats that we and others listed during previous OEWG meetings, in order to set the table for the rest of the report, which will provide recommendations on how to address these threats.

*Voluntary norms:*

**We were pleased to see the mention of the possible need for norms guidance to improve implementation.** Could be signal for Canada to submit guidance text for discussion, if we choose to proceed.

Canada would welcome Member States’ views on this between now and the end of the July session, so that we can decide whether to proceed with updating Canada’s previous norms guidance text, submitted during the last OEWG and included in the [Chair’s Summary](#) of the 2019-21 OEWG.

Welcome your views on this too, Chair.

**Potential concerns with the draft wording on possible new voluntary norms**, that reads:

“States proposed that additional norms could continue to be developed over time...”

Could **add “some” before “States”** at the beginning, to make it clear that while some States would like to develop new voluntary norms, others, like Canada, feel that the eleven agreed UN GGE norms are at present sufficient to guide State behaviour in this space.

This comment can be applied to other parts of the report, where the language (“some States” vs “All States”) could make it clearer which proposals enjoy consensus, and which do not.

In our view, we need to focus on the implementation of the eleven agreed UN GGE norms, rather than on the uncertain task of developing new ones.

Other than this one minor change, we can mostly support the contents of this section.

*Law:*

-Canada was very pleased to see many of the **elements from the Canada/Switzerland paper**<sup>1</sup>, including the proposal for more in-depth discussion on selected International Law topics to build common understandings and consensus, and the list of topics that would be of broad interest to Member States.

-We appreciate that fundamental principles of IHL were included, however we regret that a simple mention of **IHL was not included**. This was a key omission in our view that can be readily rectified.

-Good mention of IL capacity building at the end, but text could provide examples of ongoing work on this. Canada can propose some text for this.

-Canada has **potential concerns with language about legally binding obligations**. It is widely known by all that this does not enjoy consensus,

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<sup>1</sup> A Practical Approach to International Law in the 2021-2025 OEWS - [Concept Note](#) (Canada and Switzerland) May 30 2022.

which would need to be made clear if this element is retained in the next version of the draft report.

#### *CBMs*

- Canada proud of being part of the **cross regional group** that has been ably led by Germany. Canada supports Mexico's comments made on behalf of this group. Pleased that report included **many elements from paper**.

-**Canada's proposed transparency measure** is mentioned, which we are pleased with. We believe that providing "transparency about states cyber capabilities," as recommended in the draft report, will help bring predictability and stability in this space.

It would be even better if we could add the second part of that transparency measure included in the cross-regional group's paper, i.e. that States also be transparent about conditions around the use of these cyber capabilities. For example, States could simply say that they will use their capabilities in accordance to international law and existing, agreed norms. Canada and many others have already done so. The OEWG report could recommend that all States do this.

Good mention of engaging stakeholders in the CBMs section. However, the third recommendation could mention the role of stakeholders. This could be done by making this addition:

« States AND STAKEHOLDERS are invited, on a voluntary basis, to provide the UN Secretariat with information on forthcoming capacity-building programmes..."

On engaging regional organizations, we are pleased that the draft report included a recommendation to discuss CBMs with these

organizations intersessionally, which was another recommendation made by the cross regional group.

### *Capacity building*

This section is mostly fine, except that line about a “**permanent mechanism for exchanging views and ideas related to capacity building**”.

Is this a reference to PoA or completely new UN organization? In latter case, we are re not convinced this is needed. GFCE already playing this role.

Unclear also where this **multi-donor trust fund idea** comes from. Links to GFCE?

Need **clarification** on these points, or we could just delete these references, which we do not think enjoy consensus at this time.

### *Future mechanism*

-**problematic line on “centrality of OEWG.”** PoA should not be subservient to OEWG, per Canada’s position paper.

-Link between OEWG and PoA needs to be clarified.

-**PoA focus only on capacity building as described in draft report is problematic.** Canada and other PoA co-sponsors envision a PoA that implements all the aspects of the acquis, not just capacity building.

-how to fix? Could **remove PoA reference altogether or revert to agreed** language from March 2021 OEWG report.

### Conclusion

**Overall:** good CBMs, voluntary norms and international law sections. The **four main problematic references** for Canada (PoA framing, legally

binding mechanism, data security, potential new norms) will have to be carefully consulted and weighed with pros of report.

Canada has an overall positive view of report, thus we think these issues can be fixed and that the report can be agreed by consensus in July, giving us an agreed road map for our future work.

And speaking of the road map, we look forward to seeing the agenda of the 2023 OEWG meetings, which will give us a better sense of what to expect for the upcoming year. We can offer detailed views on those documents when we see them.

We look forward to hearing other colleagues' views on the report today and to discussing it in more detail in NY.

Thank you.